

EXHIBIT E

"EPA Executive Order Compliance Review Requirement"

FW: EO Compliance Review – contract, assistance agreement, IA funding and purchases

Retention Policy - 10 years (Capstone approach) (10 years)
Review_Documentation_Extramural_fillable.pdf - 65 KB

From: [REDACTED] [\[REDACTED\]](#)
Sent: Monday, March 03, 2024 10:00:00 AM
Subject: EO Compliance Review - contract, assistance agreement, IA funding and purchases

Expires: 3/2/2035

Good Afternoon Directors and Deputies,

Earlier this afternoon we received revised guidance regarding review and approval of funding actions (e.g. – contracts, purchase card actions, assistance agreements, and IA). This email reflects the latest information from OMS and could be subject to change. We will continue to provide updates as we receive them. Most importantly, all actions greater than \$50,000 now require approval from an EPA DOGE Team member. This requirement is in addition to the guidance sent late last week that OMS requires programs to certify that funding actions comply with Executive Order requirements (detailed here: [Presidential Actions – The White House](#)) and the Administrator's "Powering the Great American Comeback" Initiative ([EPA Administrator Lee Zeldin Announces EPA's "Powering the Great American Comeback" Initiative](#)). These requirements are in place until OMS rescinds them and supersede any previous guidance.

To implement these requirements, the program office must complete and sign the attached EO Compliance Review Form for all funding actions. For assistance agreements, this includes any new, supplemental, incremental funding actions, as well as amendments to workplans and budgets. For contracts and purchase card transactions, this includes any new contract or any amendment to a statement of work. Similarly for interagency agreements it includes any new, supplemental, or other funding action. The document demonstrates the signer understands and confirms the action and associated workload or performance work statement complies with at the time of signature. If the funding action is \$50,000 or more, the Form should be completed prior to beginning any Commitment Notice (CN), Funding Recommendation (FR), or Purchase Request (PR) to allow for review and either approval or denial by DOGE before any funds are committed. The revised Form requires the dollar amount and a 1 sentence explanation of the funding action. The explanation should focus on how the funding action meets statutory requirements and complies with the Executive Orders and the Administrator's five pillars outlined in [Powering the Great American Comeback](#).

For actions of \$50,000 or more, the SRO is responsible for sending all submissions to the DOGE team. To meet daily times, please send the completed form by 2:00pm to Ken Rose for assistance agreement actions and interagency agreements, or Karyn Price for contract actions. Ken and Karyn will be batching all requests daily for submission to DOGE for approval/denial. If the action is approved by DOGE, the signed form will be sent back to the Project Officer (PO) or Contracting Officer Representative (COR), with copy to the DD and Deputy, as appropriate for inclusion in their funding document (e.g. – CH, FR, CR, PR).

If the funding action is less than \$50,000, then the Director or their designee need only provide the contract/grant/IA number, the recipient/vendor name, the funding amount, and sign the form. The PO or COR will attach the signed form to the funding document and include in the contract/grant/IA file.

Only the Division Director or their designee may sign the Form.

The following outlines the process for the various types of funding actions:

- 1. Assistance agreements (grants and cooperative agreements):** Project Officers (POs) shall upload the signed form to the associated eFile and attach it to either the Funding Recommendation or Change Request, depending on the type of action, as well as to the Commitment Notice (Section 4, Attachments). The Funds Control Officer (FCO) will confirm EO Compliance Review Form is included in the CN before committing funds in Compass. The Grant Specialist will attach the signed Form to the draft award for award official review prior to signing.
- 2. Contracts:** The Contracting Officer Representative (COR) must attach the signed Form to the purchase requisition (PR) in EAS. The PR will then be routed to the FCO to commit the funds in Compass before it is received by the Contracting Officer to be awarded. In addition to this guidance, the following items should also be attached to the PR in EAS prior to being routed to the FCO (documents will be required as part of the PR package when routing through EAS).
 - o Compliance Review Document (signed)
 - o Specification/List of items to be purchased/Statement of Work/Performance Work Statement
 - o Independent Government Estimate (IGE)
 - o Suggested Sources/Vendors that are known to provide this service/items
 - o Previous contract number/order number (if previously procured)
 - o Period of Performance and required date that the Contractual action is needed to be in place by
 - o Purchase Request (PR) (fully routed/approved) – Preference is for funding to be provided with the initial PR routing but in some instances may be for zero dollar. Please note that Contracting Officers are not able to approve any contractual action(s) unless funding is provided on the PR.
- 3. Purchase Cards:** The requester will upload the signed Form to the Purchase Request System. The purchase card holder will then upload the EO Compliance Review Form to PCORS along with any other supporting documentation (NDAA 889, SF-182, etc.). The purchase card holder must receive the EO Compliance Review Form prior to executing a purchase card transaction. It will then be routed to Approving Official, including any other approvals (e.g., 508 Compliance by ISB), before routing to the FCO to commit the funds in Compass. Only a select few individuals maintain a credit card with capacity to purchase items. Most actions will need to go through the Contracts Section for action.
- 4. Interagency Agreements:** The Form must be attached to the manual (A package or uploaded into G-invoicing). POs will email the signed EO Compliance Review Form to FCO when requesting a Document Control Number to commit the funds in Compass.

Executive Order Compliance Review

The following review verification document must be included with any assistance agreement, contract or interagency (IA) funding action or amendment to a workplan or statement of work. The document demonstrates that the signatory understands that the action and associated workplan or performance work statement complies with Executive Order requirements (detailed here: [Presidential Actions – The White House](#)) at the time of signature.

For actions requiring this document, signature must be by the Office Director (OD) in Headquarters or the Division Director (DD) in the regions. An OD/DD may assign a designee. Contracting Officers/ Specialists, IA Specialists, and Grants Specialists must retain the signed document in the contract, IA or grant file.

Funding actions for \$50,000 and above, review and signature by a DOGE team member is required.

Funding Action Review Confirmation

This confirms that the workplan, budget or performance work statement does not conflict with the Executive Orders and aligns with the Administrator's ["Powering the Great American Comeback"](#) initiative. Funding organizations may batch actions and attach a list of covered actions, which must include the following details, at a minimum.

Contract/ Grant/ IA #:

Recipient/ Vendor name:

Funding amount \$:

Description of Work (one sentence and only for \$50,000 and above actions):

Program Office Director (or designee)/ Regional Division Director (or designee)

DOGE Team (if required)